

bonus during the one-year period beginning on the date on which the Secretary or the Administrator, as the case may be, determines that the covered employee engaged in improper program management that resulted in a notification under section 2753 of this title or significantly and detrimentally affected the cost, scope, or schedule associated with the approval of critical decision 3 in the acquisition process for a project (as defined in Department of Energy Order 413.3B (relating to program management and project management for the acquisition of capital assets)).

**(2) Implementation guidance**

Not later than one year after November 25, 2015, the Secretary shall issue guidance for the implementation of paragraph (1).

**(b) Guidance prohibiting bonuses for additional employees**

Not later than 180 days after November 25, 2015, the Secretary and the Administrator shall each issue guidance prohibiting the payment of a bonus to a covered employee during the one-year period beginning on the date on which the Secretary or the Administrator, as the case may be, determines that the covered employee engaged in improper program management—

(1) that jeopardized the health, safety, or security of employees or facilities of the Administration or another element of the Department of Energy involved in nuclear security; or

(2) in carrying out defense nuclear non-proliferation activities.

**(c) Waiver**

The Secretary or the Administrator, as the case may be, may waive the limitation on the payment of a bonus under subsection (a) or (b) on a case-by-case basis if—

(1) the Secretary or the Administrator, as the case may be, notifies the appropriate congressional committees of such waiver; and

(2) a period of 60 days elapses following such notification.

**(d) Definitions**

In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) The term “bonus” means a bonus or award paid under title 5, including under chapters 45 or 53 of such title, or any other provision of law.

(3) The term “covered employee” has the meaning given that term in section 2443 of this title.

(Pub. L. 106–65, div. C, title XXXII, §3246, as added Pub. L. 114–92, div. C, title XXXI, §3111(b)(1), Nov. 25, 2015, 129 Stat. 1187.)

**§ 2446. Treatment of contractors who engage in improper program management**

**(a) In general**

Except as provided by subsection (b), if the Secretary of Energy or the Administrator determines that a covered contractor engaged in improper program management that resulted in a notification under section 2753 of this title or significantly and detrimentally affected the cost, scope, or schedule associated with the approval of critical decision 3 in the acquisition process for a project (as defined in Department of Energy Order 413.3B (relating to program management and project management for the acquisition of capital assets)), the Secretary or the Administrator, as the case may be, shall submit to the appropriate congressional committees—

(1) an explanation as to whether termination of the contract is an appropriate remedy;

(2) a description of the terms of the contract regarding award fees and performance; and

(3) a description of how the Secretary or the Administrator, as the case may be, plans to exercise options under the contract.

**(b) Exception**

If the Secretary or the Administrator, as the case may be, is not able to submit the information described in paragraphs (1) through (3) of subsection (a) by reason of a contract enforcement action, the Secretary or the Administrator, as the case may be, shall submit to the appropriate congressional committees a notification of such contract enforcement action and the date on which the Secretary or the Administrator, as the case may be, plans to submit the information described in such paragraphs.

**(c) Definitions**

In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) The term “covered contractor” means—

(A) a contractor of the Administration; or

(B) a contractor of an element of the Department of Energy (other than the Administration) involved in nuclear security.

(Pub. L. 106–65, div. C, title XXXII, §3247, as added Pub. L. 114–92, div. C, title XXXI, §3111(c)(1), Nov. 25, 2015, 129 Stat. 1188.)

**SUBCHAPTER IV—BUDGET AND FINANCIAL MANAGEMENT**

**§ 2451. Separate treatment in budget**

**(a) President’s budget**

In each budget submitted by the President to Congress under section 1105 of title 31, amounts requested for the Administration shall be set forth separately within the other amounts requested for the Department of Energy.

**(b) Budget justification materials**

(1) In the budget justification materials submitted to Congress in support of each such budg-